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Amendment No. 2 to SB1806

**Clabough
Signature of Sponsor**

AMEND Senate Bill No. 1806*

House Bill No. 1772

by adding the following language to Section 3(b) of the bill as amended to be a new subdivision (4) and by redesignating the existing subdivision (4) accordingly:

(4) In the case of any non-participating manufacturer who has established a qualified escrow account, the commissioner may not remove the manufacturer or its brand families from the directory unless the manufacturer has been given at least thirty (30) days' notice of the intended action. For purposes of this subdivision, notice shall be deemed sufficient if it is sent either electronically or to an electronic mail address or by first class mail to a postal mailing address provided by the manufacturer in its most recent certification filed. The notified non-participating manufacturer shall have thirty (30) days from receipt of such notice to comply. At the time the commissioner sends notice of its intent to remove the manufacturer from the directory the commissioner shall post notice in the directory.

AND FURTHER AMEND in Section 3 of the bill as amended by designating the existing subsection (c) as subdivision (c)(1) and by adding the following language as a new subdivision (c)(2):

(2) A person purchasing cigarettes for resale shall not be in violation of this subsection if at the time of such purchase the manufacturer and brand families of the cigarettes are included in the directory and the cigarettes are otherwise lawfully stamped and sold within fourteen (14) days of the date such manufacturer and brand families were removed from the directory or if, in the case of a retailer, the cigarettes are sold or delivered to consumers within fourteen (14) days after receipt of delivery of such cigarettes from a wholesaler, which cigarettes otherwise have been lawfully purchased

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from the same wholesaler. Any manufacturer, wholesaler or retail dealer selling cigarettes for resale of a manufacturer or brand family that has been removed from the directory shall notify the purchaser of such cigarettes of that fact at the time of delivery of such cigarettes. Unless otherwise provided by contract or purchase agreement, a purchaser shall be entitled to a refund from the manufacturer, wholesaler or retail dealer from whom the cigarettes were purchased of the purchase price of any cigarettes that are the product of a manufacturer or brand family removed from the directory. The commissioner shall, by regulation or guidelines, provide for the refund of the purchase price of tax stamps that have been lawfully affixed to cigarettes that may be sold pursuant to the provisions of this subdivision.